

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1102 be amended to read as follows:

- 1 Page 22, between lines 31 and 32, begin a new paragraph and insert:
- 2 "SECTION 18. IC 13-21-3-12 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. Except as provided
- 4 in section 14.5 of this chapter, the powers of a district include the
- 5 following:
- 6 (1) The power to develop and implement a district solid waste
- 7 management plan under IC 13-21-5.
- 8 (2) The power to impose district fees on the final disposal of solid
- 9 waste within the district under IC 13-21-13.
- 10 (3) The power to receive and disburse money, if the primary
- 11 purpose of activities undertaken under this subdivision is to carry
- 12 out the provisions of this article.
- 13 (4) The power to sue and be sued.
- 14 (5) The power to plan, design, construct, finance, manage, own,
- 15 lease, operate, and maintain facilities for solid waste management.
- 16 (6) The power to enter with any person into a contract or an
- 17 agreement that is necessary or incidental to the management of
- 18 solid waste. Contracts or agreements that may be entered into
- 19 under this subdivision include those for the following:
- 20 (A) The design, construction, operation, financing, ownership,
- 21 or maintenance of facilities by the district or any other person.
- 22 (B) The managing or disposal of solid waste.
- 23 (C) The sale or other disposition of materials or products
- 24 generated by a facility.
- 25 Notwithstanding any other statute, the maximum term of a

contract or an agreement described in this subdivision may not exceed forty (40) years.

(7) The power to enter into agreements for the leasing of facilities in accordance with IC 36-1-10 or IC 36-9-30.

(8) The power to purchase, lease, or otherwise acquire real or personal property for the management or disposal of solid waste.

(9) The power to sell or lease any facility or part of a facility to any person.

(10) The power to make and contract for plans, surveys, studies, and investigations necessary for the management or disposal of solid waste.

(11) The power to enter upon property to make surveys, soundings, borings, and examinations.

(12) The power to:

(A) accept gifts, grants, loans of money, other property, or services from any source, public or private; and

(B) comply with the terms of the gift, grant, or loan.

(13) The power to levy a tax within the district to pay costs of operation in connection with solid waste management, subject to the following:

(A) Regular budget and tax levy procedures.

(B) Section 16 of this chapter.

However, except as provided in sections 15 and 15.5 of this chapter, a property tax rate imposed under this article may not exceed eight and thirty-three hundredths cents (\$0.0833) on each one hundred dollars (\$100) of assessed valuation of property in the district.

(14) The power to borrow in anticipation of taxes.

(15) The power to hire the personnel necessary for the management or disposal of solid waste in accordance with an approved budget and to contract for professional services.

(16) The power to otherwise do all things necessary for the:

(A) reduction, management, and disposal of solid waste; and

(B) recovery of waste products from the solid waste stream;

if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.

(17) The power to adopt resolutions that have the force of law. However, a resolution is not effective in a municipality unless the municipality adopts the language of the resolution by ordinance or resolution.

(18) The power to do the following:

(A) Implement a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project.

(B) Apply for a household hazardous waste collection and disposal project grant under IC 13-20-20 and carry out all commitments contained in a grant application.

- 1 (C) Establish and maintain a program of self-insurance for a
 2 household hazardous waste and conditionally exempt small
 3 quantity generator (as described in 40 CFR 261.5(a)) collection
 4 and disposal project, so that at the end of the district's fiscal
 5 year the unused and unencumbered balance of appropriated
 6 money reverts to the district's general fund only if the district's
 7 board specifically provides by resolution to discontinue the
 8 self-insurance fund.
- 9 (D) Apply for a household hazardous waste project grant as
 10 described in IC 13-20-22-2 and carry out all commitments
 11 contained in a grant application.
- 12 (19) The power to enter into an interlocal cooperation agreement
 13 under IC 36-1-7 to obtain:
- 14 (A) fiscal;
 15 (B) administrative;
 16 (C) managerial; or
 17 (D) operational;
 18 services from a county or municipality.
- 19 (20) The power to compensate **board members and** advisory
 20 committee members for attending meetings at a rate determined
 21 by the board. **However, compensation paid under this**
 22 **subdivision to a board member or an advisory committee**
 23 **member may not exceed seventy-five dollars (\$75) for each**
 24 **meeting.**
- 25 (21) The power to reimburse board and advisory committee
 26 members for travel and related expenses at a rate determined by
 27 the board.
- 28 (22) In a joint district, the power to pay a fee from district money
 29 to the counties in the district in which a final disposal facility is
 30 located.
- 31 (23) The power to make grants or loans of:
- 32 (A) money;
 33 (B) property; or
 34 (C) services;
 35 to public or private recycling programs, composting programs, or
 36 any other programs that reuse any component of the waste stream
 37 as a material component of another product, if the primary
 38 purpose of activities undertaken under this subdivision is to carry
 39 out the provisions of this article.
- 40 (24) The power to establish by resolution a nonreverting capital
 41 fund. A district's board may appropriate money in the fund for:
- 42 (A) equipping;
 43 (B) expanding;
 44 (C) modifying; or
 45 (D) remodeling;
 46 an existing facility. Expenditures from a capital fund established
 47 under this subdivision must further the goals and objectives

contained in a district's solid waste management plan. Not more than five percent (5%) of the district's total annual budget for the year may be transferred to the capital fund that year. The balance in the capital fund may not exceed twenty-five percent (25%) of the district's total annual budget. If a district's board determines by resolution that a part of a capital fund will not be needed to further the goals and objectives contained in the district's solid waste management plan, that part of the capital fund may be transferred to the district's general fund, to be used to offset tipping fees, property tax revenues, or both tipping fees and property tax revenues.

(25) The power to conduct promotional or educational programs that include giving awards and incentives that further the district's solid waste management plan.

(26) The power to conduct educational programs under IC 13-20-17.5 to provide information to the public concerning:

(A) the reuse and recycling of mercury in:

(i) mercury commodities; and

(ii) mercury-added products; and

(B) collection programs available to the public for:

(i) mercury commodities; and

(ii) mercury-added products.

(27) The power to implement mercury collection programs under IC 13-20-17.5 for the public and small businesses."

Page 34, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 34. IC 36-6-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) This section does not apply to the appropriation of money to pay a deputy, an employee, or a technical adviser that assists a township assessor with assessment duties or to an elected township assessor.

(b) The township legislative body shall fix the:

(1) salaries;

(2) wages;

(3) rates of hourly pay; and

(4) remuneration other than statutory allowances;

of all officers and employees of the township.

(c) Subject to subsection (d), the township legislative body may reduce the salary of an elected or appointed official. However, **except as provided in subsection (i)**, the official is entitled to a salary that is not less than the salary fixed for the first year of the term of office that immediately preceded the current term of office.

(d) Except as provided in ~~subsection~~ **subsections (e) and (i)**, the township legislative body may not alter the salaries of elected or appointed officers during the fiscal year for which they are fixed, but it may add or eliminate any other position and change the salary of any other employee, if the necessary funds and appropriations are available.

(e) In a township that does not elect a township assessor under

IC 36-6-5-1, the township legislative body may appropriate available township funds to supplement the salaries of elected or appointed officers to compensate them for performing assessing duties. However, in any calendar year no officer or employee may receive a salary and additional salary supplements which exceed the salary fixed for that officer or employee under subsection (b).

(f) If a change in the mileage allowance paid to state officers and employees is established by July 1 of any year, that change shall be included in the compensation fixed for the township executive and assessor under this section, to take effect January 1 of the next year. However, the township legislative body may by ordinance provide for the change in the sum per mile to take effect before January 1 of the next year.

(g) The township legislative body may not reduce the salary of the township executive without the consent of the township executive during the term of office of the township executive as set forth in IC 36-6-4-2.

(h) This subsection applies when a township executive dies or resigns from office. The person filling the vacancy of the township executive shall receive at least the same salary the previous township executive received for the remainder of the unexpired term of office of the township executive (as set forth in IC 36-6-4-2), unless the person consents to a reduction in salary.

(i) In a year in which there is not an election of members to the township legislative body, the township legislative body may by unanimous vote reduce the salaries of the members of the township legislative body by any amount."

Page 35, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 37. IC 36-7-14-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) Each redevelopment commissioner shall serve for ~~one (1) year~~ **three (3) years** from the first day of January after ~~his~~ **the commissioner's** appointment and until ~~his~~ **the commissioner's** successor is appointed and has qualified. ~~except that the original commissioners shall serve from the date of their appointment until the first day of January in the second year after their appointment.~~ If a vacancy occurs, a successor shall be appointed in the same manner as the original commissioner, and the successor shall serve for the remainder of the vacated term.

(b) Each redevelopment commissioner, before beginning ~~his~~ **the commissioner's** duties, shall take and subscribe an oath of office in the usual form, to be endorsed on the certificate of ~~his~~ **the commissioner's** appointment, which shall be promptly filed with the clerk for the unit that ~~he~~ **the commissioner** serves.

(c) Each redevelopment commissioner, before beginning ~~his~~ **the commissioner's** duties, shall execute a bond payable to the state, with surety to be approved by the executive of the unit. The bond must be in the penal sum of fifteen thousand dollars (\$15,000) and must be

1 conditioned on the faithful performance of the duties of ~~his~~ **the**
 2 **commissioner's** office and the accounting for all monies and property
 3 that may come into ~~his~~ **the commissioner's** hands or under ~~his~~ **the**
 4 **commissioner's** control. The cost of the bond shall be paid by the
 5 special taxing district.

6 (d) A redevelopment commissioner must be at least eighteen (18)
 7 years of age, and must be a resident of the unit that ~~he~~ **the**
 8 **commissioner** serves.

9 (e) If a commissioner ceases to be qualified under this section, ~~he~~
 10 **the commissioner** forfeits ~~his~~ **the commissioner's** office.

11 (f) Except as provided in subsection (g), redevelopment
 12 commissioners are not entitled to salaries but are entitled to
 13 reimbursement for expenses necessarily incurred in the performance of
 14 their duties.

15 (g) A redevelopment commissioner who does not otherwise hold a
 16 lucrative office for the purpose of Article 2, Section 9 of the Indiana
 17 Constitution may receive:

18 (1) a salary; or

19 (2) a per diem;

20 and is entitled to reimbursement for expenses necessarily incurred in
 21 the performance of the redevelopment commissioner's duties."

22 Page 45, between lines 12 and 13, begin a new paragraph and insert:

23 "SECTION 46. [EFFECTIVE JULY 1, 2006] **IC 36-7-14-7, as**
 24 **amended by this act, applies to the term of a redevelopment**
 25 **commissioner that begins after June 30, 2006."**

26 Renumber all SECTIONS consecutively.

(Reference is to HB 1102 as printed January 18, 2006.)

Representative Thompson